

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

THE PRINCETON EXCESS AND SURPLUS LINES
INSURANCE COMPANY,

Plaintiff,

v.

R.I. CRANSTON ENTERTAINMENT INC., STEVEN
MEDEIROS, ABIGAIL RATCHFORD, ALYSSA
NOBRIGA, AMANDA CERNY, ARIANNY LOPEZ,
BRENDA GIEGER, BROOKE JOHNSON a/k/a
BROOKE TAYLOR, DENISE TRILICA a/k/a DENISE
MILANI, DESSIE MITCHESON, DEVIN JUSTINE
TAKEGUMA, EMILY SEARS, JACLYN SWEDBERG,
JAIME EDMONDSON LONGORIA, JESSICA
BURCIAGA, JESSICA HINTON a/k/a JESSA HINTON,
JESSICA GOLDEN a/k/a JESSE GOLDEN, JOANNA
KRUPA, KEELEY HAZELL, KRYSTAL FORSCUTT
HIPWELL, LINA POSADA, LUCY PINDER,
MARIANA DAVALOS, NIKKI LEIGH, PAOLA
CANAS, RHIAN SUGDEN, SHELBY CHESNES,
TIFFANY TOTH GRAY, TIFFANY SELBY AND
URSULA MAYES,

Defendants.

C.A. No. 21-cv-00063-JJM-PAS

**THE PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY'S
OPPOSITION TO DEFENDANTS' MOTION TO EXTEND DISCOVERY**

Plaintiff, The Princeton Excess and Surplus Lines Insurance Company ("PESLIC"), responds to Defendants' Motion for Entry of a Protective Order and to Extend Discovery Deadlines as follows. PESLIC assents to the entry of the Protective Order, with one correction: the Confidentiality Undertaking attached as Exhibit A to the Protective Order should state that the signer consents to the jurisdiction of the United States District Court for the District of Rhode Island (not the Eastern District of New York) for enforcement of the order.

PESLIC opposes Defendants' Motion to Extend Discovery. The Court's original December 2, 2021 fact discovery deadline has been extended twice, and defendants provide no good cause for a third extension. In further support of its opposition, PESLIC states as follows.

1. PESLIC filed this insurance coverage action on February 5, 2021. Docket #1.

2. On June 2, 2021, the Court entered a Pretrial Scheduling Order calling for fact discovery to close by December 2, 2021. Docket # 44.

3. As of November 24, 2021, no defendant had even served Initial Disclosures in this case. On that date, in order to complete its own pending discovery, PESLIC moved for an extension of the fact discovery deadline to April 4, 2022. The Court allowed PESLIC's motion. Docket # 47.

4. On April 25, 2022, at the Court's request, the parties jointly moved to extend the case deadlines. The fact discovery deadline was extended to August 22, 2022. Docket # 48.

5. The defendants' stated reason for a third extension is without merit. The defendants assert that they will be receiving documents from five claim files as ordered by the Court, and need time to review the documents and depose a witness on those files if necessary. However, defendants already have noticed a Rule 30(b)(6) deposition of PESLIC on this topic, and PESLIC has agreed to produce a Rule 30(b)(6) witness on September 28, 2022.

6. As stated in the defendants' Motion, on April 20, 2022, the Court ordered PESLIC to produce documents from the five claim files. Docket # 47. At the same time, the Court ordered PESLIC to prepare and produce a Rule 30(b)(6) witness to testify with respect to the files. It was then necessary to review the five files for responsiveness to the Rule 30(b)(6) notice and for privilege and prepare them for production. In addition, the parties agreed that a proposed Protective Order would be drafted by defendants and presented to the Court before the documents were produced. A draft of the agreed Protective Order was first circulated on August 1, 2022, and the proposed Protective Order was filed yesterday. The documents from the five claim files will be produced as soon as the Protective Order is entered.

7. Thus, the discovery for which the defendants claim to need an extension already has been scheduled. PESLIC agrees that the two depositions noticed before the fact discovery deadline and rescheduled - the Rule 30(b)(6) deposition of PESLIC, and the deposition of R.I. Cranston Entertainment, Inc.'s broker, noticed by PESLIC and now scheduled for September 14, 2022 - can be taken after the fact discovery deadline has expired.

8. Neither of these depositions are pertinent to the parties' expert disclosures, and taking them in September will not create the need to move any of the other case deadlines.

For the reasons stated above, PESLIC respectfully requests that Defendants' Motion to Extend Discovery be denied.

THE PRINCETON EXCESS AND
SURPLUS LINES INSURANCE COMPANY

By its attorneys,

/s/ Harvey Nosowitz

Christina S. Marshall (RI Bar #9062)

Harvey Nosowitz (*pro hac vice*)

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Dated: August 26, 2022

CERTIFICATE OF SERVICE

I certify that I served this document on each other party of record by e-mail to its attorney(s) of record on this 26th day of August, 2022.

/s/Harvey Nosowitz

Harvey Nosowitz